

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, bar number, and address):

FOR COURT USE ONLY

Laura A. Wasser, Esq. (L.A. 173740)  
 WASSER, COOPERMAN & CARTER  
 Professional Corporation  
 2029 Century Park East, Suite 1200  
 Los Angeles, CA 90067-2957  
 TELEPHONE NO.: (310) 277-7117

E-MAIL ADDRESS (Optional):

ATTORNEY FOR (Name): Britney Spears

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

STREET ADDRESS: 111 North Hill Street

MAILING ADDRESS: 111 North Hill Street

CITY AND ZIP CODE: Los Angeles, CA 90012

BRANCH NAME: CENTRAL DISTRICT

PETITIONER/PLAINTIFF: BRITNEY SPEARS

RESPONDENT/DEFENDANT: KEVIN FEDERLINE

OTHER PARENT/CLAIMANT:

## INCOME AND EXPENSE DECLARATION

CASE NUMBER:

BD 455662

## 1. Employment (Give information on your current job or, if you're unemployed, your most recent job.)

a. Employer: Self and various loan outs

b. Employer's address: 10100 Santa Monica Blvd., #1300, Los Angeles, CA 90067

c. Employer's phone number:

d. Occupation: Recording artist

e. Date job started:

f. If unemployed, date job ended:

g. I work about \_\_\_\_\_ hours per week.

h. I get paid \$ \_\_\_\_\_ gross (before taxes) ☐ per month ☐ per week ☐ per hour.

Attach copies  
of your pay  
stubs for last  
two months  
(black out  
social  
security  
numbers).

(If you have more than one job, attach an 8½-by-11-inch sheet of paper and list the same information as above for your other jobs. Write "Question 1—Other Jobs" at the top.)

## 2. Age and education

a. My age is (specify):

b. I have completed high school or the equivalent: ☐ Yes ☐ No If no, highest grade completed (specify):c. Number of years of college completed (specify): ☐ Degree(s) obtained (specify):d. Number of years of graduate school completed (specify): ☐ Degree(s) obtained (specify):e. I have: ☐ professional/occupational license(s) (specify):☐ vocational training (specify):

## 3. Tax information

a. ☐ I last filed taxes for tax year (specify year):b. My tax filing status is ☐ single ☐ head of household ☐ married, filing separately☐ married, filing jointly with (specify name):c. I file state tax returns in ☐ California ☐ other (specify state):

d. I claim the following number of exemptions (including myself) on my taxes (specify):

4. Other party's income. I estimate the gross monthly income (before taxes) of the other party in this case at (specify): \$  
This estimate is based on (explain):

(If you need more space to answer any questions on this form, attach an 8½-by-11-inch sheet of paper and write the question number before your answer.) Number of pages attached: \_\_\_\_\_

I declare under penalty of perjury under the laws of the State of California that the information contained on all pages of this form and any attachments is true and correct.

Date: May 21, 2007

BRITNEY SPEARS

(TYPE OR PRINT NAME)

(SIGNATURE OF DECLARANT)

Page 1 of 4

Attach copies of your pay stubs for the last two months and proof of any other income. Take a copy of your latest federal tax return to the court hearing. (Black out your social security number on the pay stub and tax return.)

5. Income (For average monthly, add up all the income you received in each category in the last 12 months and divide the total by 12.)

	Last month	Average monthly
a. Salary or wages (gross, before taxes) .....	\$ n/a	
b. Overtime (gross, before taxes) .....	\$ n/a	
c. Commissions or bonuses .....	\$ n/a	
d. Public assistance (for example: TANF, SSI, GA/GR) <input type="checkbox"/> currently receiving .....	\$ n/a	
e. Spousal support <input type="checkbox"/> from this marriage <input type="checkbox"/> from a different marriage .....	\$ n/a	
f. Partner support <input type="checkbox"/> from this domestic partnership <input type="checkbox"/> from a different domestic partnership .....	\$ n/a	
g. Pension/retirement fund payments .....	\$ n/a	
h. Social security retirement (not SSI) .....	\$ n/a	
i. Disability: <input type="checkbox"/> Social security (not SSI) <input type="checkbox"/> State disability (SDI) <input type="checkbox"/> Private insurance .....	\$ n/a	
j. Unemployment compensation .....	\$ n/a	
k. Workers' compensation .....	\$ n/a	
l. Other (military BAQ, royalty payments, etc.) (specify): .....	\$ 355,530	719,634

6. Investment Income (Attach a schedule showing gross receipts less cash expenses for each piece of property.)

a. Dividends/interest .....	\$ 9,541	13,234
b. Rental property income .....	\$ n/a	
c. Trust income .....	\$ n/a	
d. Other (specify): .....	\$	

7. Income from self-employment, after business expenses for all businesses

I am the ☒ owner/sole proprietor ☐ business partner ☐ other (specify):

Number of years in this business (specify):

Name of business (specify): Britney Touring, Britney Brands, Fairy Zone

Type of business (specify): Music/performance

Attach a profit and loss statement for the last two years or a Schedule C from your last federal tax return. Black out your social security number. If you have more than one business, provide the information above for each of your businesses.

8. ☒ Additional Income. I received one-time money (lottery winnings, inheritance, etc.) in the last 12 months (specify source and amount): Non-appearance settlement \$5,062.848

9. ☒ Change in Income. My financial situation has changed significantly over the last 12 months because (specify): Pregnancy

10. Deductions

	Last month
a. Required union dues .....	\$ zero
b. Required retirement payments (not social security, FICA, 401(k), or IRA) .....	\$ zero
c. Medical, hospital, dental, and other health insurance premiums (total monthly amount) .....	\$ 77,197
d. Child support that I pay for children from other relationships .....	\$ zero
e. Spousal support that I pay by court order from a different marriage .....	\$ zero
f. Partner support that I pay by court order from a different domestic partnership .....	\$ zero
g. Necessary job-related expenses not reimbursed by my employer (attach explanation labeled "Question 10g") .....	\$ unknown

11. Assets

	Total
a. Cash and checking accounts, savings, credit union, money market, and other deposit accounts .....	\$ See "A"
b. Stocks, bonds, and other assets I could easily sell .....	\$ See "B"
c. All other property, <input type="checkbox"/> real and <input type="checkbox"/> personal (estimate fair market value minus the debts you owe) .....	\$

PETITIONER/PLAINTIFF: <b>BRIAN SPEARS</b> RESPONDENT/DEFENDANT: <b>KEVIN FEDERLINE</b> OTHER PARENT/CLAIMANT:	CASE NUMBER: <b>BD 455662</b>
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FL-150

### CHILD SUPPORT INFORMATION

(NOTE: Fill out this page only if your case involves child support.)

#### 16. Number of children

- a. I have (specify number): \_\_\_\_\_ children under the age of 18 with the other parent in this case.
- b. The children spend \_\_\_\_\_ percent of their time with me and \_\_\_\_\_ percent of their time with the other parent.  
 (If you're not sure about percentage or it has not been agreed on, please describe your parenting schedule here.)

#### 17. Children's health-care expenses

- a. ☒ I do ☐ I do not have health insurance available to me for the children through my job.
- b. Name of insurance company: **AFTRA, SAG and Blue Cross**
- c. Address of insurance company:
- d. The monthly cost for the children's health insurance is or would be (specify): \$ \_\_\_\_\_  
 (Do not include the amount your employer pays.)

#### 18. Additional expenses for the children in this case

- |   | Amount per month                    |
|---|-------------------------------------|
| a. Child care so I can work or get job training .....                   | \$ <u>zero</u>                      |
| b. Children's health care not covered by insurance .....                | \$ <u>included in medical total</u> |
| c. Travel expenses for visitation .....                                 | \$ <u>zero</u>                      |
| d. Children's educational or other special needs (specify below): ..... | \$ <u>zero</u>                      |

#### 19. Special hardships. I ask the court to consider the following special financial circumstances (attach documentation of any item listed here, including court orders):

- |   | Amount per month | For how many months? |
|---|------------------|----------------------|
| a. Extraordinary health expenses not included in 16b .....  | \$ <u>zero</u>   |                      |
| b. Major losses not covered by insurance (examples: fire, theft, other insured loss) .....          | \$ <u>zero</u>   |                      |
| c. (1) Expenses for my minor children who are from other relationships and are living with me ..... | \$ <u>zero</u>   |                      |
| (2) Names and ages of those children (specify):   |                  |                      |
| (3) Child support I receive for those children .....  |                  |                      |

The expenses listed in a, b, and c create an extreme financial hardship because (explain):

#### 20. Other information I want the court to know concerning support in my case (specify):

PETITIONER/PLAINTIFF: BRITNEY SPEARS  
 RESPONDENT/DEFENDANT: KEVIN FEDERLINE  
 OTHER PARENT/CLAIMANT:

NUMBER:  
 BD 455662

12. The following people live with me:

Name	Age	How the person is related to me? (ex: son)	That person's gross monthly income	Pays some of the household expenses?
a. Sean Preston Federline	1 yr	son	zero	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
b. Jayden James Federline	2 mo	son	zero	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
c.				<input type="checkbox"/> Yes <input type="checkbox"/> No
d.				<input type="checkbox"/> Yes <input type="checkbox"/> No
e.				<input type="checkbox"/> Yes <input type="checkbox"/> No

13. Average monthly expenses ☐ Estimated expenses ☐ Actual expenses ☐ Proposed needs

a. Home:

(1) ☐ Rent or ☒ mortgage ..... \$ 49,267  
 If mortgage:  
 (a) average principal: \$ 4,585  
 (b) average interest: \$ 44,682

(2) Real property taxes ..... \$ 12,000

(3) Homeowner's or renter's insurance  
 (if not included above) ..... \$ 2,500

(4) Maintenance and repair ..... \$ 6,500

b. Health-care costs not paid by insurance ..... \$ 9,200

c. Child care ..... \$ 6,000

d. Groceries and household supplies ..... \$ 1,600

e. Eating out ..... \$ 4,758

f. Utilities (gas, electric, water, trash) ..... \$ 10,250

g. Telephone, cell phone, and e-mail ..... \$ 2,500

h. Laundry and cleaning ..... \$ 160

i. Clothes ..... \$ 16,000

j. Education ..... \$ zero

k. Entertainment, gifts, and vacation ..... \$ 102,000

l. Auto expenses and transportation  
 (insurance, gas, repairs, bus, etc.) ..... \$ 17,000

m. Insurance (life, accident, etc.; do not  
 include auto, home, or health insurance) \$ 785

n. Savings and investments ..... \$ zero

o. Charitable contributions ..... \$ 500

p. Monthly payments listed in item 14  
 (itemize below in 14 and insert total here) \$ zero

q. Other (specify): ..... \$

r. TOTAL EXPENSES (a-q) (do not add in  
 the amounts in a(1)(a) and (b)) \$

s. Amount of expenses paid by others \$

14. Installment payments and debts not listed above

Paid to	For	Amount	Balance	Date of last payment
Not applicable		\$	\$	
		\$	\$	
		\$	\$	
		\$	\$	
		\$	\$	
		\$	\$	

15. Attorney fees (This is required if either party is requesting attorney fees.):

a. To date, I have paid my attorney this amount for fees and costs (specify): \$

b. The source of this money was (specify):

c. I still owe the following fees and costs to my attorney (specify total owed): \$

d. My attorney's hourly rate is (specify): \$

I confirm this fee arrangement.

Date: May , 2007

LAURA A. WASSER OF WASSER, COOPERMAN & CARTER  
 (TYPE OR PRINT NAME OF ATTORNEY)

(SIGNATURE OF ATTORNEY)

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number, and address): Laura A. Wasser, Esq. (SBN 173740) WASSER, COOPERMAN & CARTER Professional Corporation 2029 Century Park East, Suite 1200 Los Angeles, CA 90067-2957 TELEPHONE NO.: (310) 277-7117 FAX NO.: ATTORNEY FOR (Name): Britney Spears		FOR COURT USE ONLY  <b>LOS ANGELES SUPERIOR COURT</b>  SEP 04 2007 <b>ORIGINAL FILED</b>  <i>Redacted</i>	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES STREET ADDRESS: 111 North Hill Street MAILING ADDRESS: 111 North Hill Street CITY AND ZIP CODE: Los Angeles, CA 90012 BRANCH NAME: CENTRAL DISTRICT			
PETITIONER/PLAINTIFF: BRITNEY SPEARS  RESPONDENT/DEFENDANT: KEVIN FEDERLINE			
<b>RESPONSIVE DECLARATION TO ORDER TO SHOW CAUSE OR NOTICE OF MOTION</b>			
HEARING DATE: September 17, 2007	TIME: 8:30 a.m.	DEPARTMENT OR ROOM: 88	CASE NUMBER: Hon. Scott Gordon, Commissioner BD 455662

1. ☒ **CHILD CUSTODY**
- a. ☐ I consent to the order requested.
- b. ☒ I do not consent to the order requested but I consent to the following order: See Attachment 8, commencing at page 1.
2. ☒ **CHILD VISITATION**
- a. ☐ I consent to the order requested.
- b. ☒ I do not consent to the order requested but I consent to the following order: See Attachment 8, commencing at page 1.
3. ☐ **CHILD SUPPORT**
- a. ☐ I consent to the order requested.
- b. ☐ I consent to guideline support.
- c. ☐ I do not consent to the order requested, but I consent to the following order:
- (1) ☐ Guideline
- (2) ☐ Other (specify):
4. ☐ **SPOUSAL SUPPORT**
- a. ☐ I consent to the order requested.
- b. ☐ I do not consent to the order requested.
- c. ☐ I consent to the following order:
5. ☒ **ATTORNEY FEES AND COSTS**
- a. ☐ I consent to the order requested.
- b. ☒ I do not consent to the order requested.
- c. ☒ I consent to the following order: See Attachment 8, commencing at page 1.

PETITIONER/PLAINTIFF: BRITNEY SPEARS	CASE NUMBER:
RESPONDENT/DEFENDANT: KEVIN FEDERLINE	BD 455662

6. ☐ PROPERTY RESTRAINT

- a. ☐ I consent to the order requested.  
b. ☐ I do not consent to the order requested.  
c. ☐ I consent to the following order:

7. ☐ PROPERTY CONTROL

- a. ☐ I consent to the order requested.  
b. ☐ I do not consent to the order requested.  
c. ☐ I consent to the following order:

8. ☒ OTHER RELIEF

- a. ☐ I consent to the order requested.  
b. ☒ I do not consent to the order requested.  
c. ☒ I consent to the following order: See Attachment 8, commencing at page 1.

9. ☒ SUPPORTING INFORMATION

☒ contained in the attached declarations of:

Petitioner; Alluwee Sims; Jill Murray; Laura A. Wasser, Esq.; Shannon Funk;  
and Memorandum of Points and Authorities

**NOTE:** To respond to a request for domestic violence restraining orders requested in the *Request for Order (Domestic Violence Prevention)* (form DV-100) you must use the *Answer to Temporary Restraining Order (Domestic Violence Prevention)* (form DV-120).

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

Petitioner, Britney Spears  
(TYPE OR PRINT NAME)

Signature appears on Petitioner's Declaration

(SIGNATURE OF DECLARANT)

1 8. OTHER RELIEF:

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3 PETITIONER REQUESTS THE FOLLOWING ORDERS AT THE TIME OF THE HEARING:  
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1 MEMORANDUM OF POINTS AND AUTHORITIES

2 Petitioner, BRITNEY SPEARS (hereinafter "Petitioner"), hereby submits the  
3 following Memorandum of Points and Authorities in opposition to Respondent, KEVIN  
4 FEDERLINE's (hereinafter "Respondent") Order to Show Cause for a Modification of  
5 Custody and for Attorneys' Fees and Costs (hereinafter "Order to Show Cause").

6 SUMMARY OF FACTS AND ARGUMENT



II.

**FAMILY CODE §2032 REQUIRES THAT AN AWARD OF ATTORNEYS' FEES AND COSTS BE JUST AND REASONABLE UPON CONSIDERATION OF THE RELATIVE CIRCUMSTANCES OF THE PARTIES; RESPONDENT HAS FAILED TO ESTABLISH FACTS TO SUPPORT AN AWARD OF ATTORNEYS' FEES**

Family Code Section 2032 provides as follows:

(a) The court may make an award of attorneys' fees and costs under Section 2030 or 2031 where the making of the award and the amount of the award, are just and reasonable under the relative circumstances of the respective parties.

(b) In determining what is just and reasonable under the relative circumstances, the court shall take into consideration then need for an award to enable each party, to the extent practical, to have sufficient financial resources to present the parties' case adequately, taking into consideration, to the extent relevant, the circumstances of the respective parties described in Section 4320.

In the case at bar, Respondent received a \$1.3 Million equalization payment as part of the Further Judgment entered into by the parties on July 30, 2007. Respondent also receives spousal support from Petitioner in the amount of \$20,000 per month. In addition, by his own admission, Respondent is employed. The fact that Respondent has chosen to be employed in a losing venture, is only one factor to be considered by the Court. Respondent should not be rewarded because he has chosen to be employed in a venture that cannot support him or assist in the support of the parties' minor children.

Moreover, Petitioner contends that Respondent's Order to Show Cause is meritless and therefore any attorneys' fees Respondent incurs in the instant action are unreasonable.

1 Petitioner should have an opportunity to be heard before the Court makes a determination  
2 on whether the attorneys' fees incurred by Respondent in this action are just and  
3 reasonable. In fact, there may be cause to sanction Respondent for the filing of his  
4 meritless Order to Show Cause.

5 Under the circumstances in this case, granting Respondent's request would be both  
6 unjust and unreasonable. Respondent has the ability to pay his own attorneys' fees and  
7 costs.

8 **III.**

9 **RESPONDENT'S INCOME AND EXPENSE DECLARATION**  
10 **IS STALE MAKING HIS REQUEST FOR ATTORNEYS'**  
11 **FEES AND COSTS DEFECTIVE**

12 Rule of Court 5.1.28 provides as follows:

13 (a) A current *Income and Expense Declaration* (Form FL-  
14 150) or a current *financial statement (simplified)* (Form FL-  
15 155), when such form is appropriate, and a current *Property*  
16 *Declaration* (Form FL-160) must be served and filed by any  
17 party appearing at any hearing at which the court is determine  
18 an issue as to which such declarations will be relevant.  
19 "Current" is defined as being completed within the past  
20 three months providing no facts have changed. Those forms  
21 must be sufficiently complete to allow determination of the  
22 issue.

23 (b) When a party is represented by counsel and attorney's fees  
24 are requested by either party, the section on the *Income and*  
25 *Expense Declaration* pertaining to the amount in savings,  
26 credit union, certificates of deposit, and money market  
27 accounts must be fully completed, as well as the section  
28 pertaining to the amount of attorney's fees incurred, currently  
owed, and the source of money used to pay such fees.

[Emphasis added.]

Respondent failed to file a current Income and Expense Declaration. In addition,  
Respondent failed to fill out the sections required on the Income and Expense Declaration  
when a party is requesting an award of attorneys' fees. Because Respondent has failed to  
provide the Court with a current Income and Expense Declaration, Respondent's request  
must be denied.

IV.

CONCLUSION

DATED: August 31, 2007

Respectfully submitted,

WASSER, COOPERMAN & CARTER  
Professional Corporation

By: 

LAURA A. WASSER  
Attorneys for Petitioner

1 Laura A. Wasser, Esq. (SBN 173740)  
2 WASSER, COOPERMAN & CARTER, P.C.  
3 2029 Century Park East, Suite 1200  
4 Los Angeles, California 90067-2957  
5 Telephone No.: (310)277-7117  
6 Facsimile No.: (310)553-1793

7 Attorneys for Petitioner

LOS ANGELES  
SUPERIOR COURT

SEP 04 2007

ORIGINAL FILED

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
9 FOR THE COUNTY OF LOS ANGELES

Redacted

11 In re the Marriage of

CASE NO. BD 455662

[Assigned to Dept. 88,  
Commr. Scott Gordon]

13 Petitioner: BRITNEY SPEARS

15 and

17 Respondent: KEVIN FEDERLINE

PETITIONER'S EVIDENTIARY  
OBJECTIONS AND REQUEST TO  
STRIKE PORTIONS OF THE  
DECLARATIONS OF (1) KEVIN  
FEDERLINE DATED 8/7/07; (2)  
ALISHA DEATHERAGE DATED  
1/3/07; (3) JENNIFER MCCARTHY  
DATED 8/2/07; (4) JAMES M. SIMON  
DATED 8/8/07; AND (5) MARK  
VINCENT KAPLAN DATED 8/7/07;  
DECLARATION OF LAURA A.  
WASSER, ESQ., DATED AUGUST  
30, 2007; MEMORANDUM OF  
POINTS AND AUTHORITIES

STATUS CONFERENCE RE OSC

DATE: September 4, 2007

TIME: 8:30 A.M.

DEPT: 88

OSC

DATE: September 17, 2007

TIME: 8:30 A.M.

DEPT: 88

1                                    DECLARATION OF LAURA A. WASSER, ESQ.

2            I, LAURA A. WASSER, hereby declare:

3            I am one of the attorneys responsible for the representation of Petitioner, BRITNEY  
4 SPEARS, in the within cause of action. I have personal knowledge of the facts set forth in  
5 this Declaration, and if called and sworn as a witness, I could and would testify  
6 competently thereto. I submit this Declaration in support of Petitioner's Evidentiary  
7 Objections and Request to Strike Portions of the Declarations of Kevin Federline, Alisha  
8 Deatherage, Jennifer McCarthy, James M. Simon and Mark Vincent Kaplan (collectively  
9 hereinafter referred to as the "Subject Declarations") filed in connection with Respondent's  
10 Order to Show Cause for Modification of Child Custody, Child Visitation, Injunctive  
11 Orders and Attorneys' Fees and Costs. This matter is currently set for hearing on  
12 September 4, 2007, at 8:30 a.m., in Department 88 of the above-entitled court and on  
13 September 17, 2007, at 8:30 a.m., in Department 88 of the above-entitled court.

14                                    PETITIONER'S REQUESTED RELIEF

15            I submit this Declaration in support of Petitioner's request that the Court strike  
16 various portions of the Subject Declarations. Attached hereto as Exhibit "A" are the  
17 Subject Declarations, with the objectionable portions stricken for easy reference by this  
18 Court. Each portion of said Declarations are objectionable based upon the grounds set forth  
19 in Exhibit "1." Attached hereto as Exhibit "2" are clean copies of the Subject  
20 Declarations.

21            I declare under penalty of perjury under the laws of the State of California that the  
22 foregoing is true and correct.

23            Executed this 30<sup>th</sup> day of August, 2007, at Los Angeles, California.

24  
25                                      
26                                    \_\_\_\_\_  
27                                    LAURA A. WASSER  
28

1 MEMORANDUM OF POINTS AND AUTHORITIES

2 Respondent's Order to Show Cause for Modification of Child Custody, Child  
3 Visitation, Injunctive Orders and Attorneys' Fees and Costs, filed on August 8, 2007  
4 and set for a Status Conference on August 4, 2007 and hearing on September 17,  
5 2007, contains substantial objectionable material and insufficient admissible evidence  
6 to sustain Respondent's asserted position. As is more particularly set forth in the  
7 Declaration of Laura A. Wasser, Esq., the Subject Declarations contain statements  
8 which are (1) lacking in proper foundation, (2) assuming facts not in evidence, (3)  
9 conclusion, (4) hearsay/based on hearsay, (5) pure speculation/conjecture, (6) not  
10 based on personal knowledge, (7) misstate the evidence, (8) not relevant, and/or (9)  
11 more prejudicial than probative (Evidence Code §352).

12  
13 I.

14 THE COURT HAS THE POWER

15 TO STRIKE IMPROPER MATERIAL

16 The Court may, at any time, strike out any irrelevant or improper matters  
17 inserted in any pleadings. California Code of Civil Procedure §436(a). Further, a  
18 party must object to and move to strike proffered evidence that is objectionable or  
19 improper, if the party seeks to preserve its post-trial rights with respect thereto.  
20 California Evidence Code §353(a).

21 "[T]he affidavit must state facts - facts that are specific facts, probative facts,  
22 and evidentiary facts - and the facts stated must be competent evidence and must  
23 stand the same test as oral evidence. Conclusions, hearsay, and statements on  
24 information and belief are not to be considered." Then Commissioner, now Judge  
25 Robert Schnider, Los Angeles County Bar Association "Family Law Symposium"  
26 (1988 Edition), page 222.

27 Admissibility of a statement set forth in a declaration is measured by the same  
28 standards as those applied to oral testimony. Except as provided in Evidence Code

§801, the testimony of a witness, lay or expert, concerning a matter is inadmissible unless he has personal knowledge of those facts. Evidence Code §702(a); See McLellan v. McLellan (1972) 23 Cal. App.3d 343, 359-60. If personal knowledge is not established and the objection of lack of personal knowledge is raised, personal knowledge of the witness must be established before the witness may testify concerning the matter. Tri-State Mfg. Co. v. Superior Court (1964) 224 Cal.App.2d 442. The burden of proving personal knowledge rests on the party seeking to introduce the testimony. Evidence Code §403(a). Testimony of a witness is inadmissible if it is not based on the witness' personal knowledge. Evidence Code §1200(b); Weathers v. Kaiser Foundation Hospital (1971) 5 Cal.3d 98.

The Court may not rely on statements contained in a memorandum of points and authorities to evaluate the merits of a case. Such information lacks foundation and may not be considered as admissible evidentiary facts. "Matters set forth in...memoranda of points and authorities are not evidence...". Smith, Smith & Kring v. Superior Court (1997) 60 Cal.App.4th 573.

Opinion testimony in a declaration, unless from an expert or based on a lay witness' own perception, is inadmissible. Evidence Code §800; Tri-State Mfg. Co., supra. In Tri-State Mfg. Co., supra, the challenged declaration was that of an attorney whose understanding of the subject case was surmised only from a review of the office file; the attorney did not have independent personal knowledge of any of the assertions made. As a result, the Court of Appeal held that the declaration, "consisting of mere conclusions and hearsay, was a nullity and of no evidentiary value." Id.

It is well established that a declaration which sets forth conclusions, opinions or ultimate facts without a sufficient factual foundation is legally insufficient, and such unsupported statements should be stricken upon request. The test of the sufficiency of the declaration is whether it has been written in such a manner that perjury could be charged thereon if any material allegation contained therein is false.



1 A declaration containing conclusions, opinions or ultimate facts, without a  
2 foundation of admissible evidentiary facts and circumstances from which such  
3 conclusions, opinions or ultimate facts can be deduced by the Court, does not  
4 measure up to this requirement. Atiya v. Dibartolo (1976) 63 Cal. App.3d 121,133;  
5 People v. Thompson (1935) 5 Cal.App.2d 655, 664; Fuller v. Goodyear Tire and  
6 Rubber (1970) 7 Cal.App.3d 690, 693; Greshko v. County of Los Angeles (1987) 194  
7 Cal.App.3d 822, 834.

8 Inclusion of argument in a declaration is a practice that forces the trial and  
9 appellate court, and opposing counsel, to determine which facts are supported under  
10 oath and which material is supported by statements made under penalty of perjury.  
11 In Re Marriage of Heggie (2002) 99 Cal. App.4th 28. The Court of Appeal in Heggie  
12 stated, in footnote 3, that declarations should be supported by statements made under  
13 penalty of perjury and further, that the proper place for argument is in points and  
14 authorities, not declarations.

15 Unless a recognized exception applies, hearsay is inadmissible. See Evidence  
16 Code §§1200 et seq.; See also Bank of America Nat. Trust and Savings Ass'n v.  
17 Williams (1948) 89 Cal. App.2d 21, 200 P.2d 151, 157 (holding that statements in  
18 declaration made on information and belief as to facts that have transpired are  
19 hearsay and must be disregarded); Michael E. Leippman, M.D., Inc. v. Leiber (1986)  
20 180 Cal. App.3d 914, 919 (concluding that hearsay, generalities, and conclusions in  
21 declarations are inadmissible).

22 Even a qualified expert's opinion is inadmissible if it is unsubstantiated by the  
23 facts. Atiya, supra (1976) 63 Cal.App.3d 121, 126; Greshko, supra (1987) 194 Cal.  
24 App.3d 822, 834. Although an expert may properly rely on hearsay in forming an  
25 opinion, the expert may not relate the out-of-court statements of another as  
26 independent proof of the fact. An expert witness may not testify as to the details of  
27 matters relied upon which are otherwise inadmissible and may not under the guise of  
28 giving reasons introduce otherwise incompetent hearsay evidence. Korsak v. Atlas

1 Hotels (1992) 2 Cal.App.4th 1516, 1525. An expert may not base his or her opinion  
2 upon the outside opinion of another expert. Mosesian v. Pennwalt Corp (1987) 191  
3 Cal.App.3d 851, 860.

4 Questions of law are strictly within the province of the Court to decide and are  
5 not subject to resolution by the testimony of experts. Williams v. Coombs (1986)  
6 179 Cal.App.3d 626, 638. Our system of jurisprudence does not permit a "trial by  
7 oath," whereby a party seeks to weigh the scales of justice in his or her favor through  
8 the admission of experts who would opine in his or her favor. Downer v. Bramet  
9 (1984) 152 Cal.App.3d 837, 842. Accordingly, an expert cannot opine as to  
10 questions of law, nor can an expert testify as to legal conclusions in the guise of  
11 expert testimony under §805 of the Evidence Code. Devin v. United Services  
12 Automobile Assn (1992) 6 Cal.App.4th 1149, 1158; Downer, supra.

13 Further, Evidence Code §352 provides that any unduly prejudicial or  
14 misleading material may be excluded or stricken if its probative value is substantially  
15 outweighed by the probability that its admission into evidence is unnecessarily time  
16 consuming (e.g., repetitive), prejudicial or that it confuses the issue.

## 17 18 II.

### 19 CONCLUSION

20 Although the Rules of Evidence are well-known, they are frequently ignored  
21 in the context of declarations. Upon the making of objections, the Court must rule on  
22 the contents of the Subject Declarations in accordance with the Rules of Evidence.  
23 As specifically set forth in the Declaration of Laura A. Wasser, Esq., the Subject  
24 Declarations are filled with objectionable and inadmissible statements and their  
25 deficiencies must be considered.

26 Applying the above-cited rules to the Subject Declarations has the effect of  
27 totally eviscerating portions of said Declarations. Based upon the Declaration of  
28 Laura A. Wasser, Esq., containing the specific objections and the oral argument to be

1 presented at the time of hearing, Petitioner respectfully requests that the Court strike  
2 the portions of said documents which are deemed objectionable.  
3

4 DATED: August 30, 2007

Respectfully submitted,  
WASSER, COOPERMAN & CARTER,  
Professional Corporation

By:   
LAURA A. WASSER  
Attorneys for Petitioner

LOS ANGELES  
SUPERIOR COURT  
SEP 11 2007  
ORIGINAL FILED

MARK VINCENT KAPLAN (SBN 58836)  
JAMES M. SIMON (SBN 109913)  
KAPLAN & SIMON, L.L.P.  
2049 Century Park East, Suite 2660  
Los Angeles, California 90067  
Telephone: (310) 277-9009  
Facsimile: (310) 552-1970

Attorneys for Respondent  
KEVIN FEDERLINE

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF LOS ANGELES

Redacted

In re Marriage of:

Petitioner: BRITNEY SPEARS

and

Respondent: KEVIN FEDERLINE

CASE NO. BD 455 662

RESPONDENT'S REPLY BRIEF  
AND DECLARATIONS OF JAMES  
M. SIMON AND MARK VINCENT  
KAPLAN IN SUPPORT OF  
RESPONDENT'S ORDER TO SHOW  
CAUSE TO MODIFY CUSTODY

Date: September 17, 2007  
Time: 8:30 a.m.  
Dept: 88

CONDITIONALLY UNDER SEAL

KAPLAN & SIMON, L.L.P.  
ATTORNEYS AT LAW  
2049 CENTURY PARK EAST, SUITE 2660  
LOS ANGELES, CALIFORNIA 90067  
TELEPHONE: (310) 277-9009  
FACSIMILE: (310) 552-1970

Marriage of SPEARS/FEDERLINE  
LASC Case No. BD 455 662

LOS ANGELES  
SUPERIOR COURT

SEP 11 2007

ORIGINAL FILED

MARK VINCENT KAPLAN (SBN 58836)  
JAMES M. SIMON (SBN 109913)  
KAPLAN & SIMON, L.L.P.  
2049 Century Park East, Suite 2660  
Los Angeles, California 90067  
Telephone: (310) 277-9009  
Facsimile: (310) 552-1970

Attorneys for Respondent  
KEVIN FEDERLINE

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

Redacted

In re Marriage of:

CASE NO. BD 455 662

Petitioner: BRITNEY SPEARS

RESPONDENT'S EVIDENTIARY  
OBJECTIONS TO RESPONSIVE  
DECLARATIONS OF (1) BRITNEY  
SPEARS; (2) ALLUWEE SIMS; (3) JILL  
MURRAY; (4) LAURA A. WASSER;  
AND (5) SHANNON FUNK

and

Respondent: KEVIN FEDERLINE

Date: September 17, 2007  
Time: 8:30 a.m.  
Dept: 88

CONDITIONALLY UNDER SEAL

KAPLAN & SIMON, L.L.P.  
ATTORNEYS AT LAW  
2049 CENTURY PARK EAST, SUITE 2660  
LOS ANGELES, CALIFORNIA 90067  
TELEPHONE: (310) 277-9009  
FACSIMILE: (310) 552-1970

Marriage of SPEARS/FEDERLINE  
LASC Case No. BD 455 662

1 Respondent Kevin Federline makes the within evidentiary objections to  
2 responsive declarations of Petitioner Britney Spears; Alluwee Sims; Jill Murray; Laura A.  
3 Wasser; and Shannon Funk, filed in response to Respondent's Order to Show Cause  
4 for Modification of Child Custody, etc., pursuant to Local Family Law Rule 14.8. A copy  
5 of the declarations with the objections inserted after the objectionable portion is  
6 attached hereto for the aid and convenience of the Court.

7 Dated: September 10, 2007

Respectfully submitted,

KAPLAN & SIMON, L.L.P.

By

JAMES M. SIMON  
Attorneys for Respondent  
KEVIN FEDERLINE

KAPLAN & SIMON, L.L.P.  
ATTORNEYS AT LAW  
2049 CENTURY PARK EAST, SUITE 2880  
LOS ANGELES, CALIFORNIA 90067  
TELEPHONE: (310) 277-9009  
FACSIMILE: (310) 552-1870

Marriage of SPEARS/FEDERLINE  
LASC Case No. BD 455 662

1 MARK VINCENT KAPLAN (SBN 58836)  
 2 JAMES M. SIMON (SBN 109913)  
 3 KAPLAN & SIMON, L.L.P.  
 2049 Century Park East, Suite 2660  
 Los Angeles, California 90067  
 Telephone: (310) 277-9009  
 4 Facsimile: (310) 552-1970

LOS ANGELES  
 SUPERIOR COURT

SEP 11 2007

ORIGINAL FILED

5 Attorneys for Respondent  
 6 KEVIN FEDERLINE

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
 9 FOR THE COUNTY OF LOS ANGELES

Redacted

11 In re Marriage of:

CASE NO. BD 455 662

12 Petitioner: BRITNEY SPEARS

REPLY DECLARATION OF KEVIN  
 FEDERLINE IN SUPPORT OF  
 RESPONDENT'S ORDER TO SHOW  
 CAUSE TO MODIFY CUSTODY

14 and

15 Respondent: KEVIN FEDERLINE

Date: September 17, 2007  
 Time: 8:30 a.m.  
 Dept: 88

CONDITIONALLY UNDER SEAL

KAPLAN & SIMON, L.L.P.  
 ATTORNEYS AT LAW  
 2049 CENTURY PARK EAST, SUITE 2660  
 LOS ANGELES, CALIFORNIA 90067  
 TELEPHONE: (310) 277-9009  
 FACSIMILE: (310) 552-1970



1 MARK VINCENT KAPLAN (SBN 58836)  
2 JAMES M. SIMON (SBN 109913)  
3 KAPLAN & SIMON, L.L.P.  
4 2049 Century Park East, Suite 2660  
Los Angeles, California 90067  
Telephone: (310) 277-9009  
Facsimile: (310) 552-1970

5 Attorneys for Respondent  
6 KEVIN FEDERLINE

LOS ANGELES  
SUPERIOR COURT  
SEP 11 2007  
ORIGINAL FILED

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
9 FOR THE COUNTY OF LOS ANGELES

Redacted

11 In re Marriage of:

CASE NO. BD 455 662

12 Petitioner: BRITNEY SPEARS

DECLARATION OF OSCAR ANTHONY  
BARRETTO, JR. RE RESPONDENT'S  
ORDER TO SHOW CAUSE TO  
MODIFY CUSTODY

14 and

15 Respondent: KEVIN FEDERLINE

Date: September 17, 2007  
Time: 8:30 a.m.  
Dept: 88

CONDITIONALLY UNDER SEAL

KAPLAN & SIMON, L.L.P.  
ATTORNEYS AT LAW  
2049 CENTURY PARK EAST, SUITE 2660  
LOS ANGELES, CALIFORNIA 90067  
TELEPHONE (310) 277-9009  
FACSIMILE (310) 552-1970

1 Laura A. Wasser, Esq. (SBN 173740)  
2 WASSER, COOPERMAN & CARTER, P.C.  
3 2029 Century Park East, Suite 1200  
4 Los Angeles, California 90067-2957  
5 Telephone No.: (310)277-7117  
6 Facsimile No.: (310)553-1793

7 Attorneys for Petitioner

LOS ANGELES  
SUPERIOR COURT  
SEP 17 2007  
ORIGINAL FILED

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
9 FOR THE COUNTY OF LOS ANGELES

Redacted

10 In re the Marriage of

CASE NO. BD 455662

11 Petitioner: BRITNEY SPEARS

[Assigned to Dept. 88,  
Commr. Scott Gordon]

12 and

PETITIONER'S EVIDENTIARY  
OBJECTIONS AND REQUEST TO  
STRIKE PORTIONS OF:

13 Respondent: KEVIN FEDERLINE

1. THE DECLARATION OF JAMES  
M. SIMON DATED SEPTEMBER 10,  
2007;

2. THE DECLARATION OF MARK  
VINCENT KAPLAN DATED  
SEPTEMBER 10, 2007;

3. THE DECLARATION OF OSCAR  
ANTHONY BARRETTO, JR. DATED  
SEPTEMBER 11, 2007; AND

4. THE DECLARATION OF  
RESPONDENT KEVIN FEDERLINE  
DATED SEPTEMBER 10, 2007;

14  
15  
16  
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18  
19  
20 THIS PLEADING IS FILED  
21  
22 CONDITIONALLY UNDER  
23 SEAL PURSUANT TO  
24 ORDER OF THE COURT  
25

DATE: September 17, 2007  
TIME: 8:30 A.M.  
DEPT: 88

26 Petitioner Britney Spears, submits herewith the following Evidentiary Objections  
27 and Request to Strike the following declarations filed in support of Respondent Kevin  
28 Federline's (hereinafter "Respondent") Order to Show Cause to Modify Custody: 1) the

1 Declaration of James M. Simon, dated September 10, 2007; 2) the Declaration of Mark  
2 Vincent Kaplan, dated September 10, 2007; 3) the Declaration of Oscar Anthony Barretto,  
3 Jr., dated September 11, 2007; and 4) the Declaration of Respondent Kevin Federline, dated  
4 September 10, 2007.

5 Attached is a haec verba reproduction of the relevant portions of the subject  
6 declaration, with the objectionable portions highlighted, followed by the grounds for said  
7 objection for the Court's convenience. Petitioner requests that portions of the above  
8 referenced declarations that are highlighted, be stricken from the record and deemed as  
9 inadmissible evidence.

10 Pursuant to Los Angeles Superior Court Rule 14.8, an unredacted copy of: 1) the  
11 declaration of James M. Simon, dated September 10, 2007, to which evidentiary objections  
12 are being made is attached hereto as **Exhibit A**; 2) the declaration of Mark Vincent  
13 Kaplan, dated September 10, 2007, to which evidentiary objections are being made is  
14 attached hereto as **Exhibit B**; 3) the Declaration of Oscar Anthony Barretto, Jr., dated  
15 September 11, 2007, to which evidentiary objections are being made is attached hereto as  
16 **Exhibit C**; and 4) the declaration of Respondent Kevin Federline, dated September 10,  
17 2007, to which evidentiary objections are being made is attached hereto as **Exhibit D**.

18 Filed concurrently herewith under separate cover is the "Court's Ruling on  
19 Evidentiary Objections to and Request to Strike Portions of the respective declarations.

20 Respectfully submitted,

21 DATED: September 14, 2007

WASSER, COOPERMAN & CARTER, P.C.

22  
23 By

NAN ZIRAFI  
Attorneys for Petitioner

Filed  
9/28/07

MARK VINCENT KAPLAN (SBN 58836)  
JAMES M. SIMON (SBN 109913)  
KAPLAN & SIMON, L.L.P.  
2049 Century Park East, Suite 2660  
Los Angeles, California 90067  
Telephone: (310) 277-9009  
Facsimile: (310) 552-1970

Attorneys for Respondent  
KEVIN FEDERLINE

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF LOS ANGELES

Redacted

In re Marriage of:

CASE NO. BD 455 662

Petitioner: BRITNEY SPEARS

RESPONDENT'S EX PARTE  
APPLICATION FOR ENTRY OF  
ORDER RE DRUG AND ALCOHOL  
TESTING; DECLARATIONS OF  
JAMES M. SIMON AND [REDACTED]  
IN SUPPORT THEREOF

and

Respondent: KEVIN FEDERLINE

Date: September 28, 2007  
Time: 8:30 a.m.  
Dept: 88

FILED UNDER SEAL

KAPLAN & SIMON, L.L.P.  
ATTORNEYS AT LAW  
2049 CENTURY PARK EAST, SUITE 2660  
LOS ANGELES, CALIFORNIA 90067  
TELEPHONE: (310) 277-9009  
FACSIMILE: (310) 552-1970

Marriage of SPEARS/FEDERLINE  
LASC Case No. BD 455 662

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State bar number, and address): <b>Mark Vincent Kaplan (SBN 58836)</b> <b>James M. Simon (SBN 109913)</b> <b>KAPLAN &amp; SIMON, L.L.P.</b> <b>2049 Century Park East, Suite 2660</b> <b>Los Angeles, CA 90067</b> TELEPHONE NO.: (310) 277-9009      FAX NO. (Optional): (310) 552-1970 E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name): <b>Kevin Federline</b>		FOR COURT USE ONLY.  <div style="font-size: 2em; font-family: cursive;">F</div> <div style="font-size: 1.5em; font-family: cursive;">10/2/07</div>  <div style="font-size: 1.5em; font-family: cursive;">Redacted</div>			
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES STREET ADDRESS: <b>111 N. Hill Street</b> MAILING ADDRESS: <b>111 N. Hill Street</b> CITY AND ZIP CODE: <b>Los Angeles, CA 90012</b> BRANCH NAME: <b>Central District</b>					
PETITIONER/PLAINTIFF: <b>BRITNEY SPEARS</b>					
RESPONDENT/DEFENDANT: <b>KEVIN FEDERLINE</b> <b>EX PARTE</b>					
<table border="0" style="width: 100%;"> <tr> <td style="width: 33%;"> <b>ORDER TO SHOW CAUSE</b>  <input checked="" type="checkbox"/> Child Custody  <input type="checkbox"/> Child Support  <input type="checkbox"/> Attorney Fees and Costs             </td> <td style="width: 33%;"> <input checked="" type="checkbox"/> MODIFICATION  <input checked="" type="checkbox"/> Visitation  <input type="checkbox"/> Spousal Support             </td> <td style="width: 33%;"> <input type="checkbox"/> Injunctive Order  <input type="checkbox"/> Other (specify):             </td> </tr> </table>		<b>ORDER TO SHOW CAUSE</b> <input checked="" type="checkbox"/> Child Custody <input type="checkbox"/> Child Support <input type="checkbox"/> Attorney Fees and Costs	<input checked="" type="checkbox"/> MODIFICATION <input checked="" type="checkbox"/> Visitation <input type="checkbox"/> Spousal Support	<input type="checkbox"/> Injunctive Order <input type="checkbox"/> Other (specify):	CASE NUMBER: <b>BD 455 662</b>  <b>CONDITIONALLY UNDER SEAL</b>
<b>ORDER TO SHOW CAUSE</b> <input checked="" type="checkbox"/> Child Custody <input type="checkbox"/> Child Support <input type="checkbox"/> Attorney Fees and Costs	<input checked="" type="checkbox"/> MODIFICATION <input checked="" type="checkbox"/> Visitation <input type="checkbox"/> Spousal Support	<input type="checkbox"/> Injunctive Order <input type="checkbox"/> Other (specify):			

1. TO (name): PETITIONER BRITNEY SPEARS AND HER ATTORNEYS OF RECORD:

2. YOU ARE ORDERED TO APPEAR IN THIS COURT AS FOLLOWS TO GIVE ANY LEGAL REASON WHY THE RELIEF SOUGHT IN THE ATTACHED APPLICATION SHOULD NOT BE GRANTED. If child custody or visitation is an issue in this proceeding, Family Code section 3170 requires mediation before or concurrently with the hearing listed below.

a. Date: **October 3, 2007**      Time: **1:30 p.m.**      ☒ Dept.: **88**      ☐ Room:

b. The address of the court is ☒ same as noted above      ☐ other (specify):

c. ☐ The parties are ordered to attend custody mediation services as follows:

3. THE COURT FURTHER ORDERS that a completed *Application for Order and Supporting Declaration* (form FL-310), a blank *Responsive Declaration* (form FL-320), and the following documents be served with this order:

- a. (1) ☐ Completed *Income and Expense Declaration* (form FL-150) and a blank *Income and Expense Declaration*  
 (2) ☐ Completed *Financial Statement (Simplified)* (form FL-155) and a blank *Financial Statement (Simplified)*  
 (3) ☐ Completed *Property Declaration* (form FL-160) and a blank *Property Declaration*  
 (4) ☐ Points and authorities  
 (5) ☐ Other (specify):

b. ☐ Time for ☐ service ☐ hearing is shortened. Service must be on or before (date):  
 Any responsive declaration must be served on or before (date):

c. ☐ You are ordered to comply with the temporary orders attached.

d. ☐ Other (specify):

Date:

JUDICIAL OFFICER

**NOTICE:** If you have children from this relationship, the court is required to order payment of child support based on the incomes of both parents. The amount of child support can be large. It normally continues until the child is 18. You should supply the court with information about your finances. Otherwise, the child support order will be based on the information supplied by the other parent.

You do not have to pay any fee to file declarations in response to this order to show cause (including a completed *Income and Expense Declaration* (form FL-150) or *Financial Statement (Simplified)* (form FL-155) that will show your finances). In the absence of an order shortening time, the original of the responsive declaration must be filed with the court and a copy served on the other party at least nine court days before the hearing date. Add five calendar days if you serve by mail within California. (See Code of Civil Procedure 1005 for other situations.) To determine court and calendar days, go to [www.courtinfo.ca.gov/selfhelp/courtcalendars/](http://www.courtinfo.ca.gov/selfhelp/courtcalendars/).



**Request for Accommodations**

Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least five days before the proceeding. Contact the clerk's office or go to [www.courtinfo.ca.gov/forms](http://www.courtinfo.ca.gov/forms) for *Request for Accommodations by Persons With Disabilities and Response* (Form MC-410). (Civil Code, § 54.8.)

Page 1 of 1

PETITIONER: BRITNEY SPEARS

CASE NUMBER:  
BD 455 662

RESPONDENT: KEVIN FEDERLINE

## APPLICATION FOR ORDER AND SUPPORTING DECLARATION

—THIS IS NOT AN ORDER—

☐ Petitioner ☒ Respondent ☐ Claimant requests the following orders:1. ☒ CHILD CUSTODY☐ To be ordered pending the hearinga. Child (name, age)b. Legal custody to(person who makes decisions  
about health, education, etc.) (name)

Respondent

Respondent

c. Physical custody to(person with whom child lives.)  
(name)

Respondent

Respondent

☒ Modify existing order

(1) filed on (date): September 17, 2007

(2) ordering (specify):

☐ As requested in form ☐ FL-311 ☐ FL-312 ☐ FL-341(C) ☐ FL-341(D) ☐ FL-341(E)2. ☒ CHILD VISITATION☐ To be ordered pending the hearinga. As requested in: (1) ☐ Attachment 2a (2) ☐ Form FL-311 (3) ☒ Other (specify):Petitioner to have visitation three days a  
week from 10:00 am to 3:00 pm, which  
visitation shall be supervised by a  
professional monitor at Petitioner's expense.b. ☒ Modify existing order

(1) filed on (date): September 17, 2007

(2) ordering (specify):

c. ☐ One or more domestic violence restraining/protective orders are now in effect. (Attach a copy of the orders if you  
have one.) The orders are from the following court or courts (specify county and state):(1) ☐ Criminal: County/state: \_\_\_\_\_

Case No. (if known): \_\_\_\_\_

(3) ☐ Juvenile: County/state: \_\_\_\_\_

Case No. (if known): \_\_\_\_\_

(2) ☐ Family: County/state: \_\_\_\_\_

Case No. (if known): \_\_\_\_\_

(4) ☐ Other: County/state: \_\_\_\_\_

Case No. (if known): \_\_\_\_\_

3. ☐ CHILD SUPPORT (An earnings assignment order may be issued.)a. Child (name, age)b. Monthly amount (if not by guideline)

\$

c. ☐ Modify existing order

(1) filed on (date):

(2) ordering (specify):

4. ☐ SPOUSAL OR PARTNER SUPPORT (An earnings assignment order may be issued.)a. ☐ Amount requested (monthly): \$b. ☐ Terminate existing order

(1) filed on (date):

(2) ordering (specify):

c. ☐ Modify existing order

(1) filed on (date):

(2) ordering (specify):

5. ☐ ATTORNEY FEES AND COSTS a. ☐ Fees: \$b. ☐ Costs: \$NOTE: To obtain domestic violence restraining orders, you must use the forms *Request for Order  
(Domestic Violence Prevention)* (form DV-100) and *Temporary Restraining Order and Notice of Hearing  
(Domestic Violence Prevention)* (form DV-110).

Page 1 of 2

PETITIONER: BRITNEY SPEARS

CASE NUMBER:

BD 455 662

RESPONDENT: KEVIN FEDERLINE

6. ☐ PROPERTY RESTRAINT ☐ To be ordered pending the hearing
- a. The ☐ petitioner ☐ respondent ☐ claimant is restrained from transferring, encumbering, hypothecating, concealing, or in any way disposing of any property, real or personal, whether community, quasi-community, or separate, except in the usual course of business or for the necessities of life.
- ☐ The applicant will be notified at least five business days before any proposed extraordinary expenditures, and an accounting of such will be made to the court.
- b. ☐ Both parties are restrained and enjoined from cashing, borrowing against, canceling, transferring, disposing of, or changing the beneficiaries of any insurance or other coverage, including life, health, automobile, and disability, held for the benefit of the parties or their minor children.
- c. ☐ Neither party may incur any debts or liabilities for which the other may be held responsible, other than in the ordinary course of business or for the necessities of life.
7. ☐ PROPERTY CONTROL ☐ To be ordered pending the hearing
- a. ☐ The petitioner ☐ respondent is given the exclusive temporary use, possession, and control of the following property that we own or are buying (specify):
- b. ☐ The petitioner ☐ respondent is ordered to make the following payments on liens and encumbrances coming due while the order is in effect:
- | Debt | Amount of payment | Pay to |
|------|-------------------|--------|
|      |                   |        |
8. ☐ I request that time for service of the Order to Show Cause and accompanying papers be shortened so that these documents may be served no less than (specify number): \_\_\_\_\_ days before the time set for the hearing. I need to have the order shortening time because of the facts specified in the attached declaration.
9. ☐ OTHER RELIEF (specify):
10. ☒ FACTS IN SUPPORT of relief requested and change of circumstances for any modification are (specify):  
☒ contained in the attached declaration.  
 Declaration of James M. Simon  
 Declaration of Kendra Cripe  
 Declaration of Lonnie Jones

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: October 2, 2007

JAMES M. SIMON

(TYPE OR PRINT NAME)

(SIGNATURE OF APPLICANT)



1 serious that it does constitute "immediate harm to the child" justifying *ex parte* custody  
2 orders.



KAPLAN & SIMON, L.L.P.  
ATTORNEYS-AT-LAW  
2040 CENTURY PARK EAST, SUITE 2000  
LOS ANGELES, CALIFORNIA 90007  
TELEPHONE: (810) 277-9009  
FACSIMILE: (810) 225-1270

LASC Case No. BD 458 682

MEMORANDUM OF POINTS AND AUTHORITIES.

ex parte.mpa.wpd

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KAPLAN & SIMON, L.L.P.  
ATTORNEYS AT LAW  
2046 CENTURY PARK EAST, SUITE 2800  
LOS ANGELES, CALIFORNIA 90067  
TELEPHONE: (310) 277-9009  
FACSIMILE: (310) 552-1870

Dated: October 2, 2007

Respectfully submitted,

KAPLAN & SIMON, L.L.P.

By

JAMES M. SIMON  
Attorneys for Respondent  
KEVIN FEDERLINE

In re Marriage of SPEARS/FEDERLINE  
LASC Case No. BD 455 662

MEMORANDUM OF POINTS AND AUTHORITIES.

exparte.mpa.wpd

1 MARK VINCENT KAPLAN (SBN 58836)  
2 JAMES M. SIMON (SBN 109913)  
3 KAPLAN & SIMON, LLP.  
4 2049 Century Park East, Suite 2660  
Los Angeles, California 90067  
Telephone: (310) 277-9009  
Facsimile: (310) 552-1970

5 Attorneys for Respondent  
6 KEVIN FEDERLINE

**FILED**  
LOS ANGELES SUPERIOR COURT  
SEP 28 2007

JOHN A. CLARKE, CLERK  
*M. Arnold*  
BY M. ARNOLD, DEPUTY

7  
8 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
9 FOR THE COUNTY OF LOS ANGELES

10  
11 In re Marriage of:

12 Petitioner: BRITNEY SPEARS

13 and

14 Respondent: KEVIN FEDERLINE

CASE NO. BD 455 662

ORDER AFTER HEARING ON  
RESPONDENT'S EX PARTE  
APPLICATION RE PROOF OF  
VALID CALIFORNIA DRIVER'S  
LICENSE AND INSURANCE

Date: September 28, 2007  
Time: 8:30 a.m.  
Dept: 88

CONDITIONALLY UNDER SEAL

17  
18 Respondent's *ex parte* application re proof of valid California driver's license and  
19 insurance came on for hearing on September 28, 2007 at 8:30 a.m., in Department 88,  
20 the Honorable Scott M. Gordon, Commissioner presiding. Petitioner Britney Spears  
21 was represented by her attorneys of record, Trope and Trope and Respondent Kevin  
22 Federline was represented by his attorneys of record, Kaplan & Simon, LLP.

23 All papers submitted by the parties and argument of counsel having been  
24 received and considered, the Court grants Respondent's *ex parte* application and  
25 orders as follows:

26 1. *and Respondent* Petitioner shall not drive the children until *each* she has produced to the  
27 *other's* Respondent's counsel for inspection her *his* current and valid California driver's license and  
28 written proof of her *his* current automobile insurance. *In the event a party does*  
*not produce same, that party shall provide the other the children*  
*written notice of the driving arrangement for the children.*

ORDER AFTER HEARING ON RESPONDENT'S EX PARTE APPLICATION RE LICENSE AND INSURANCE

KAPLAN & SIMON, LLP.  
ATTORNEYS AT LAW  
2049 CENTURY PARK EAST, SUITE 2660  
LOS ANGELES, CALIFORNIA 90067  
TELEPHONE: (310) 277-9009  
FACSIMILE: (310) 552-1970

044, license.wpd

Page 1 of 1  
JASG Case No. BD 455 662

2. Petitioner and Respondent shall not allow any person to drive the children unless such person has provided to the party a valid California driver's license and written proof of automobile insurance currently in effect.

APPROVED AS TO FORM:

*Lois A. Howe*

Lois A. Howe  
Attorneys for Petitioner

Dated: \_\_\_\_\_

SCOTT M. GORDON, Commissioner  
Los Angeles Superior Court

At all times, the minor children shall be transported in a properly insured and registered vehicle, which shall be driven only by a properly insured ~~and~~ driver who has a current and valid driver's license. In all vehicles, the minor children shall be restrained in an age/weight appropriate child safety restraint.

SEP 28 2007

*SCOTT M. GORDON*  
Commissioner  
Los Angeles Superior Court

Marriage of SPEARS/FEDERLINE  
LASC Case No. BD 455 662

1 MARK VINCENT KAPLAN (SBN 58836)  
2 JAMES M. SIMON (SBN 109913)  
3 KAPLAN & SIMON, L.L.P.  
4 2049 Century Park East, Suite 2660  
5 Los Angeles, California 90067  
6 Telephone: (310) 277-9009  
7 Facsimile: (310) 552-1970

8 Attorneys for Respondent  
9 KEVIN FEDERLINE

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SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF LOS ANGELES

In re Marriage of:

Petitioner: BRITNEY SPEARS

and

Respondent: KEVIN FEDERLINE

CASE NO. BD 455 662

ORDER AFTER HEARING ON  
RESPONDENT'S ORDER TO SHOW  
CAUSE RE MODIFICATION OF CHILD  
CUSTODY AND VISITATION AND  
FOR ATTORNEY FEES AND COSTS

Date: September 17, 2007.  
Dept: 88

Respondent's order to show cause re modification of child custody and visitation and for attorney fees and costs came on for hearing on September 17, 2007 in Department 88, the Honorable Scott M. Gordon, Commissioner presiding. Petitioner Britney Spears was represented by her attorneys of record, Wasser, Cooperman & Carter by Dennis Wasser and Laura Wasser and Respondent Kevin Federline was represented by his attorneys of record, Kaplan & Simon, L.L.P., by Mark Vincent Kaplan and James M. Simon.

County Counsel by Douglas Hunter was present on behalf of the Department of Children and Family Services and reported to the Court and was thanked and excused by the Court.

///

Marriage of SPEARS/FEDERLINE  
LASO Case No. BD 455 662

1           Fried & Goldman by Melvin S. Goldman, Jon S. Summers and Andrea D.  
2 Giedraitis was present and attended the hearing and filed a substitution of attorney on  
3 behalf of Petitioner at the conclusion of the hearing. The Court finds that Mr. Goldman  
4 made a disclosure regarding a potential conflict and Mr. Kaplan waived any such  
5 potential conflict.

6           All papers submitted by the parties and argument of counsel have been received  
7 and considered, subject to the Court's rulings on evidentiary objections and the Court's  
8 consideration of only relevant and admissible evidence. Each party declined the  
9 opportunity to cross-examine any witnesses who have filed declarations.

10          The Court, effective September 17, 2007, makes the following interim orders  
11 pursuant to Family Code § 3022. These orders are made without prejudice pending the  
12 child custody evaluation and the full hearing on Respondent's order to show cause re  
13 modification of child custody and visitation.

14          For purposes of clarification, the minor children are referred to in these orders  
15 are Sean Preston Federline, birth date 9/14/05 and Jayden James Federline, birth date  
16 9/12/06.

17          1.       The Court declines to modify the existing custodial timeshare. The parties  
18 stipulated 2/2/3 custodial schedule described in paragraph 2.2.C at page 4 of the  
19 Second Further Judgment remains in full force and effect with the terms and conditions  
20 described below imposed.

21          2.       Neither party shall remove the minor children from the State of California  
22 without the prior written consent of the other party or an order of the Court. In all  
23 instances of out-of-state travel with the minor children, whether through stipulation of  
24 the parties or prior order of the Court, the party removing the child from the state shall  
25 provide the other parent with a full itinerary, complete with all addresses and telephone  
26 numbers for the location(s) of where the children will be staying for the duration of the  
27 trip. Said itinerary shall further contain all travel arrangements, including flight numbers  
28 for the children.

1           3. Each party is restrained from making derogatory remarks about the other  
2 party and the other party's family or significant other, either directly or indirectly to the  
3 minor children, and from allowing anyone else to do so. This includes any person  
4 employed by the parties.

5           4. Each party shall complete the PARENTING WITHOUT CONFLICT  
6 program or other equivalent program conducted by a mental health professional and file  
7 verification of completion with the Court. Each party shall submit verification of  
8 enrollment in either the PARENTING WITHOUT CONFLICT program or other  
9 equivalent program within five days.

10          5. The parties shall engage in joint co-parenting counseling and shall equally  
11 share the cost thereof. Counsel shall meet and confer with regard to selecting a  
12 therapist. In the event that counsel are unable to reach an agreement within five days,  
13 they are each to submit to the Court a listing of three proposed therapists and the Court  
14 will make the determination.

15          6. Each party is restrained from using corporal punishment with the minor  
16 children and from allowing anyone to do so.

17          7. Neither party shall consume alcohol or other non-prescription controlled  
18 substance within 12 hours before and during that party's custodial time with the minor  
19 children.

20          8. Petitioner shall engage in individual counseling to address parenting  
21 issues at least once per week. Counsel for Petitioner shall provide the Court with  
22 written notice as to the professional selected within 10 days.

23          9. Each party shall advise the other of his/her current residence address and  
24 telephone numbers and shall notify the other party within 24 hours of any changes.

25          10. Each party shall provide the other within 48 hours the name and contact  
26 information of that party's child care provider(s) for the minor children. Each party shall  
27 notify the other in writing within 24 hours of any change in that party's child care  
28 provider's, e.g., the provider quits, is discharged or leaves employment for whatever

1 reason. Each party shall notify the other in writing within 24 hours of hiring any new  
2 child care provider and within that 24 hours shall provide the name, contact information  
3 and resume of that provider. Any child care provider must hold a valid certification by  
4 the American Red Cross in Infant and child CPR and basic First Aid. In the event that  
5 the existing child care providers do not possess this certification, the certification must  
6 be obtained forthwith. Proof of certification shall be provided to the other party.

7 11. Pursuant to stipulation of the parties, Petitioner shall meet with a parenting  
8 coach for a minimum of eight hours each week, in at least two sessions per week,  
9 during her custodial time with the minor children. The parenting coach shall observe  
10 and counsel Petitioner with regard to her interaction with the minor children and her  
11 parenting skills. Counsel shall meet and confer with regard to selecting the parenting  
12 coach. In the event that counsel are unable to reach an agreement within five days,  
13 they are each to submit to the Court a listing of three proposed coaches and the Court  
14 will make the determination. The cost of the parenting coach shall be borne by  
15 Petitioner. The parenting coach shall file with the Court and shall serve on counsel for  
16 the parties a written confidential progress report on or before October 22, 2007. The  
17 parenting coach shall appear in Department 88 on November 26, 2007 to report to the  
18 Court.

19 12. Pursuant to Family Code section 3041.5, the Court finds based upon a  
20 preponderance of the evidence that there is habitual, frequent and continual use of  
21 controlled substances and alcohol by Petitioner. Petitioner shall undergo random  
22 testing two times a week for the use of alcohol and controlled substances. The test  
23 results shall be delivered by the testing facility to the Court in a sealed envelope  
24 so as to maintain their confidentiality. The testing facility is specifically ordered  
25 to file hard copies of the results directly with the Court. The test results shall also  
26 be delivered by the testing facility to counsel for the parties in a manner selected by  
27 such counsel so as to maintain their confidentiality. The test results shall not otherwise  
28 be released except upon order of the Court. Any person who has access to the test



1 results may not disseminate copies or disclose information about the test results to any  
2 person other than a person who is authorized to receive the test results pursuant to this  
3 paragraph. Any breach of the confidentiality of the test results shall be punishable by  
4 civil sanctions not to exceed two thousand five hundred dollars (\$2,500). The results of  
5 the testing may not be used for any purpose, including any criminal, civil, or  
6 administrative proceeding, except to assist the Court in determining, for purposes of the  
7 proceeding, the best interest of the child pursuant to section 3011, and the content of  
8 the order determining custody or visitation. Counsel for the parties shall notify the  
9 testing facility of this confidentiality order. The cost of testing pursuant to this order shall  
10 be borne by Petitioner.

11 13. Counsel shall meet and confer within five days with regard to selecting the  
12 testing facility and the methodology for testing. Pursuant to Family Code section  
13 3041.5, the testing shall be performed in conformance with procedures and standards  
14 established by the United States Department of Health and Human Resources for drug  
15 testing for federal employees. The testing facility shall give notice of the request for  
16 testing directly to Petitioner and not through her counsel or representatives. Petitioner  
17 shall provide the testing facility with her direct contact information during the entirety of  
18 her custodial time. In the event that counsel are unable to reach an agreement within  
19 five days, the testing shall be conducted by Sentinel Offender Management Solution,  
20 Family Law Services Division and counsel for the parties may contact the Court to  
21 arrange for a conference call with counsel for the Court to make further orders in this  
22 regard.

23 14. Each party shall file and serve an Income and Expense Declaration and all  
24 required attachments in compliance with LASC Local Rule 14.9 within ten days.  
25 Respondent may file and serve an updated "Keech" declaration within ten days.  
26 Petitioner may file a responsive declaration to the "Keech" declaration within ten days  
27 thereafter.

28 ///

1 TROPE AND TROPE  
SORRELL TROPE (State Bar 21103)  
2 LORI A. HOWE (State Bar 152060)  
TARA L. SCOTT (State Bar 217781)  
3 Attorneys at Law  
12121 Wilshire Boulevard  
4 Suite 801  
Los Angeles, California 90025-1171  
5  
Telephone: 310-207-8228; 323-879-2726  
6  
Attorneys for Petitioner,  
7 BRITNEY SPEARS

LOS ANGELES  
SUPERIOR COURT

OCT 03 2007  
ORIGINAL FILED

8  
9 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
10 FOR THE COUNTY OF LOS ANGELES


Redacted

11 In re Marriage of ) CASE NO. BD 455 662  
12 Petitioner: BRITNEY SPEARS )  
13 and )  
14 Respondent: KEVIN FEDERLINE )  
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28 )  
DATE: 10-03-07  
TIME: 1:30 p.m.  
DEPT: 88  
Comm. Scott M. Gordon  
Dept. 88

19 Petitioner hereby respectfully submits the Declarations  
20 of Tara L. Scott [REDACTED] in opposition to the  
21 Respondent's *Ex Parte* application for modification of child  
22 custody and visitation.

23 Dated: October 3, 2007

TROPE AND TROPE

24  
25 By:   
26 LORI A. HOWE  
27 Attorneys for Petitioner,  
28 Britney Spears

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, bar number, and address):

TROPE AND TROPE

SORRELL TROPE (State Bar 21103)

12121 WILSHIRE BOULEVARD

SUITE 801

LOS ANGELES, CA 90025

TELEPHONE NO.: (310) 207-8228

FAX NO. (Optional): (310) 826-1122

E-MAIL ADDRESS (Optional):

ATTORNEY FOR (Name): BRITNEY SPEARS

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

STREET ADDRESS: 111 NORTH HILL STREET

MAILING ADDRESS: SAME

CITY AND ZIP CODE: LOS ANGELES, CA 90012

BRANCH NAME: CENTRAL

PETITIONER/PLAINTIFF: BRITNEY SPEARS

RESPONDENT/DEFENDANT: KEVIN FEDERLINE

EX PARTE

ORDER TO SHOW CAUSE

☐ MODIFICATION☐ Child Custody☐ Visitation☐ Injunctive Order☐ Child Support☐ Spousal Support☒ Other (specify):☐ Attorney Fees and Costs Reinstate overnight visitation

Custodial order entered 7/30/07

CASE NUMBER:

BD 455 662

Redacted

1. TO (name): KEVIN FEDERLINE

2. YOU ARE ORDERED TO APPEAR IN THIS COURT AS FOLLOWS TO GIVE ANY LEGAL REASON WHY THE RELIEF SOUGHT IN THE ATTACHED APPLICATION SHOULD NOT BE GRANTED. If child custody or visitation is an issue in this proceeding, Family Code section 3170 requires mediation before or concurrently with the hearing listed below.

a. Date: 10/11/07

Time: 8:30 A.M.

☒ Dept.: 88☐ Room:b. The address of the court is ☒ same as noted above ☐ other (specify):c. ☐ The parties are ordered to attend custody mediation services as follows:

3. THE COURT FURTHER ORDERS that a completed *Application for Order and Supporting Declaration* (form FL-310), a blank *Responsive Declaration* (form FL-320), and the following documents be served with this order:

- a. (1) ☐ Completed *Income and Expense Declaration* (form FL-150) and a blank *Income and Expense Declaration*  
 (2) ☐ Completed *Financial Statement (Simplified)* (form FL-155) and a blank *Financial Statement (Simplified)*  
 (3) ☐ Completed *Property Declaration* (form FL-160) and a blank *Property Declaration*  
 (4) ☒ Points and authorities  
 (5) ☐ Other (specify):

b. ☒ Time for ☒ service ☒ hearing is shortened. Service must be on or before (date):  
 Any responsive declaration must be served on or before (date):

c. ☐ You are ordered to comply with the temporary orders attached.d. ☐ Other (specify):

Date:

JUDICIAL OFFICER

**NOTICE:** If you have children from this relationship, the court is required to order payment of child support based on the incomes of both parents. The amount of child support can be large. It normally continues until the child is 18. You should supply the court with information about your finances. Otherwise, the child support order will be based on the information supplied by the other parent.

You do not have to pay any fee to file declarations in response to this order to show cause (including a completed *Income and Expense Declaration* (form FL-150) or *Financial Statement (Simplified)* (form FL-155) that will show your finances). In the absence of an order shortening time, the original of the responsive declaration must be filed with the court and a copy served on the other party at least nine court days before the hearing date. Add five calendar days if you serve by mail within California. (See Code of Civil Procedure 1005 for other situations.) To determine court and calendar days, go to [www.courtinfo.ca.gov/selfhelp/courtcalendars/](http://www.courtinfo.ca.gov/selfhelp/courtcalendars/).

**Request for Accommodations**

Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least five days before the proceeding. Contact the clerk's office or go to [www.courtinfo.ca.gov/forms](http://www.courtinfo.ca.gov/forms) for *Request for Accommodations by Persons With Disabilities and Response* (Form MC-410). (Civil Code, § 54.8.)

Page 1 of 1

PETITIONER: BRITNEY SPEARS

CASE NUMBER:

RESPONDENT: KEVIN FEDERLINE

BD 455 662

## APPLICATION FOR ORDER AND SUPPORTING DECLARATION

☒ Petitioner ☐ Respondent ☐ Claimant ☐ ~~THIS IS NOT AN ORDER~~ requests the following orders:

1. ☐ CHILD CUSTODY ☐ To be ordered pending the hearinga. Child (name, age)b. Legal custody to

(person who makes decisions about health, education, etc.) (name)

c. Physical custody to

(person with whom child lives.) (name)

☐ Modify existing order

(1) filed on (date):

(2) ordering (specify):

☐ As requested in form ☐ FL-311 ☐ FL-312 ☐ FL-341(C) ☐ FL-341(D) ☐ FL-341(E)2. ☐ CHILD VISITATION ☐ To be ordered pending the hearinga. As requested in: (1) ☐ Attachment 2a (2) ☐ Form FL-311 (3) ☐ Other (specify):b. ☐ Modify existing order

(1) filed on (date):

(2) ordering (specify):

c. ☐ One or more domestic violence restraining/protective orders are now in effect. (Attach a copy of the orders if you have one.) The orders are from the following court or courts (specify county and state):(1) ☐ Criminal: County/state: \_\_\_\_\_ (3) ☐ Juvenile: County/state: \_\_\_\_\_  
Case No. (if known): \_\_\_\_\_ Case No. (if known): \_\_\_\_\_(2) ☐ Family: County/state: \_\_\_\_\_ (4) ☐ Other: County/state: \_\_\_\_\_  
Case No. (if known): \_\_\_\_\_ Case No. (if known): \_\_\_\_\_3. ☐ CHILD SUPPORT (An earnings assignment order may be issued.)a. Child (name, age)b. Monthly amount (if not by guideline)

\$

c. ☐ Modify existing order

(1) filed on (date):

(2) ordering (specify):

4. ☐ SPOUSAL OR PARTNER SUPPORT (An earnings assignment order may be issued.)a. ☐ Amount requested (monthly): \$b. ☐ Terminate existing order

(1) filed on (date):

(2) ordering (specify):

c. ☐ Modify existing order

(1) filed on (date):

(2) ordering (specify):

5. ☐ ATTORNEY FEES AND COSTS a. ☐ Fees: \$b. ☐ Costs: \$

**NOTE: To obtain domestic violence restraining orders, you must use the forms *Request for Order (Domestic Violence Prevention)* (form DV-100) and *Temporary Restraining Order and Notice of Hearing (Domestic Violence Prevention)* (form DV-110).**

PETITIONER: BRITNEY SPEARS

CASE NUMBER:

BD 455 662

RESPONDENT: KEVIN FEDERLINE

6. ☐ PROPERTY RESTRAINT ☐ To be ordered pending the hearing
- a. The ☐ petitioner ☐ respondent ☐ claimant is restrained from transferring, encumbering, hypothecating, concealing, or in any way disposing of any property, real or personal, whether community, quasi-community, or separate, except in the usual course of business or for the necessities of life.
- ☐ The applicant will be notified at least five business days before any proposed extraordinary expenditures, and an accounting of such will be made to the court.
- b. ☐ Both parties are restrained and enjoined from cashing, borrowing against, canceling; transferring; disposing of, or changing the beneficiaries of any insurance or other coverage, including life, health, automobile, and disability, held for the benefit of the parties or their minor children.
- c. ☐ Neither party may incur any debts or liabilities for which the other may be held responsible, other than in the ordinary course of business or for the necessities of life.
7. ☐ PROPERTY CONTROL ☐ To be ordered pending the hearing
- a. ☐ The petitioner ☐ respondent is given the exclusive temporary use, possession, and control of the following property that we own or are buying (specify):
- b. ☐ The petitioner ☐ respondent is ordered to make the following payments on liens and encumbrances coming due while the order is in effect:
- | Debt | Amount of payment | Pay to |
|------|-------------------|--------|
|      |                   |        |
8. ☒ I request that time for service of the Order to Show Cause and accompanying papers be shortened so that these documents may be served no less than (specify number): \_\_\_\_\_ days before the time set for the hearing. I need to have the order shortening time because of the facts specified in the attached declaration.
9. ☒ OTHER RELIEF (specify): SEE ATTACHMENT "9" ATTACHED HERETO
10. ☒ FACTS IN SUPPORT of relief requested and change of circumstances for any modification are (specify):  
☒ contained in the attached declaration.
- BRITNEY SPEARS, \_\_\_\_\_ AND LORI A. HOWE.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: 10/10/2007

BRITNEY SPEARS

(TYPE OR PRINT NAME)

SEE SIGNATURE ON LAST PAGE OF DECLARATION

(SIGNATURE OF APPLICANT)

1 MARK VINCENT KAPLAN (SBN 58836)  
2 JAMES M. SIMON (SBN 109913)  
3 KAPLAN & SIMON, L.L.P.  
4 2049 Century Park East, Suite 2660  
5 Los Angeles, California 90067  
6 Telephone: (310) 277-9009  
7 Facsimile: (310) 552-1970

LOS ANGELES  
SUPERIOR COURT

OCT 11 2007

ORIGINAL FILED

8 Attorneys for Respondent  
9 KEVIN FEDERLINE

10 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
11 FOR THE COUNTY OF LOS ANGELES

Redacted

12 In re Marriage of:

CASE NO. BD 455 662

13 Petitioner: BRITNEY SPEARS

RESPONDENT'S MEMORANDUM  
OF POINTS AND AUTHORITIES  
AND DECLARATIONS OF MARK  
VINCENT KAPLAN AND JAMES M.  
SIMON IN OPPOSITION TO  
PETITIONER'S EX PARTE  
APPLICATION TO MODIFY CUSTODY

14 and

15 Respondent: KEVIN FEDERLINE

Date: October 11, 2007  
Time: 8:30 a.m.  
Dept: 88

16  
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18 Sealed and Removed

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22 Entire Document

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Marriage of SPEARS/FEDERLINE  
LASD Case No. BD 455 662

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar Number, and address):

Mark Vincent Kaplan (SBN 58836)  
 James M. Simon (SBN 109913)  
 KAPLAN & SIMON, L.L.P.  
 2049 Century Park East, Suite 2660  
 Los Angeles, CA 90067

TELEPHONE NO.: (310) 277-9009

FAX NO. (Optional): (310) 552-1970

E-MAIL ADDRESS (Optional):

ATTORNEY FOR (Name): Kevin Federline

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

STREET ADDRESS: 111 N. Hill Street

MAILING ADDRESS: 111 N. Hill Street

CITY AND ZIP CODE: Los Angeles, CA 90012

BRANCH NAME: Central District

PETITIONER/PLAINTIFF: BRITNEY SPEARS

RESPONDENT/DEFENDANT: KEVIN FEDERLINE

EX PARTE

ORDER TO SHOW CAUSE

☒ MODIFICATION☒ Child Custody☒ Visitation☐ Injunctive Order☐ Child Support☐ Spousal Support☐ Other (specify):☐ Attorney Fees and Costs

CASE NUMBER:

BD 455 662

Redacted

CONDITIONALLY UNDER SEAL

LOS ANGELES  
SUPERIOR COURT

OCT 17 2007

ORIGINAL FILED

Copy to Conform

1. TO (name): PETITIONER BRITNEY SPEARS AND HER ATTORNEYS OF RECORD:
2. YOU ARE ORDERED TO APPEAR IN THIS COURT AS FOLLOWS TO GIVE ANY LEGAL REASON WHY THE RELIEF SOUGHT IN THE ATTACHED APPLICATION SHOULD NOT BE GRANTED. If child custody or visitation is an issue in this proceeding, Family Code section 3170 requires mediation before or concurrently with the hearing listed below.

a. Date: October 17, 2007 Time: 8:30 a.m. ☒ Dept.: 88 ☐ Room:b. The address of the court is ☒ same as noted above ☐ other (specify):c. ☐ The parties are ordered to attend custody mediation services as follows:

3. THE COURT FURTHER ORDERS that a completed *Application for Order and Supporting Declaration* (form FL-310), a blank *Responsive Declaration* (form FL-320), and the following documents be served with this order:

- a. (1) ☐ Completed *Income and Expense Declaration* (form FL-150) and a blank *Income and Expense Declaration*
- (2) ☐ Completed *Financial Statement (Simplified)* (form FL-155) and a blank *Financial Statement (Simplified)*
- (3) ☐ Completed *Property Declaration* (form FL-160) and a blank *Property Declaration*
- (4) ☐ Points and authorities
- (5) ☐ Other (specify):

b. ☐ Time for ☐ service ☐ hearing is shortened. Service must be on or before (date):  
Any responsive declaration must be served on or before (date):c. ☐ You are ordered to comply with the temporary orders attached.d. ☐ Other (specify):

Date:

JUDICIAL OFFICER

**NOTICE:** If you have children from this relationship, the court is required to order payment of child support based on the incomes of both parents. The amount of child support can be large. It normally continues until the child is 18. You should supply the court with information about your finances. Otherwise, the child support order will be based on the information supplied by the other parent.

You do not have to pay any fee to file declarations in response to this order to show cause (including a completed Income and Expense Declaration (form FL-150) or Financial Statement (Simplified) (form FL-155) that will show your finances). In the absence of an order shortening time, the original of the responsive declaration must be filed with the court and a copy served on the other party at least nine court days before the hearing date. Add five calendar days if you serve by mail within California. (See Code of Civil Procedure 1005 for other situations.) To determine court and calendar days, go to [www.courtinfo.ca.gov/selfhelp/courtcalendars/](http://www.courtinfo.ca.gov/selfhelp/courtcalendars/).

**Request for Accommodations**

Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least five days before the proceeding. Contact the clerk's office or go to [www.courtinfo.ca.gov/forms](http://www.courtinfo.ca.gov/forms) for Request for Accommodations by Persons With Disabilities and Response (Form MC-410). (Civil Code, § 54.8.)

Page 1 of 1

**Sealed and Removed  
Entire Document**



F: 10/17/07

TROPE AND TROPE  
SORRELL TROPE (State Bar 21103)  
LORI A. HOWE (State Bar 152060)  
TARA L. SCOTT (State Bar 217781)  
Attorneys at Law  
12121 Wilshire Boulevard  
Suite 801  
Los Angeles, California 90025-1171  
Telephone: 310-207-8228; 323-879-2726  
Attorneys for Petitioner,  
BRITNEY SPEARS

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF LOS ANGELES

In re Marriage of

Petitioner: BRITNEY SPEARS

and

Respondent: KEVIN FEDERLINE

CASE NO. BD 455 662

CONDITIONALLY UNDER SEAL

MEMORANDUM OF POINTS AND  
AUTHORITIES; DECLARATIONS  
OF BRITNEY SPEARS, [REDACTED]

DATE: 10-17-07  
TIME: 8:30 a.m.  
DEPT: 88

Comm. Scott M. Gordon  
Dept. 88

Petitioner hereby respectfully submits the following  
Memorandum of Points and Authorities and Declarations of Britney  
Spears, [REDACTED]

[REDACTED] in opposition to the Respondent's *Ex Parte*

/ / /

/ / /

/ / /

/ / /

Page 1

MEMORANDUM OF POINTS AND AUTHORITIES; DECLARATIONS OF BRITNEY SPEARS, [REDACTED]

1 application for [REDACTED]  
2 [REDACTED]

3 Dated: October 16, 2007

TROPE AND TROPE

4  
5 By: [Signature]  
6 TARA L. SCOTT  
7 Attorneys for Petitioner,  
8 Britney Spears  
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MEMORANDUM OF POINTS AND AUTHORITIES; DECLARATIONS OF BRITNEY SPEARS, [REDACTED]

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TROPE and TROPE  
ATTORNEYS AT LAW  
12121 WILSHIRE BLD.  
LOS ANGELES, CA  
90025-1171  
310-207-8225  
323.878.7798